



Council of the
European Union

Brussels, 15 October 2019
(OR. en)

**Interinstitutional File:
2018/0140(COD)**

10296/3/19
REV 3 ADD 1

LIMITE

**TRANS 380
MAR 121
MI 521
COMER 86
CYBER 206
ENFOCUSTOM 118
DATAPROTECT 169
CODEC 1231**

WORKING DOCUMENT

From: General Secretariat of the Council
To: Delegations

No. Cion doc.: 9060/1/18 REV 1 + ADD 1

Subject: Proposal for a Regulation of the European Parliament and of the Council
on electronic freight transport information
- Revised four column document

In view of the Intermodal Transport Working Party on 21 October 2019, delegations will find attached the annexes of the above-mentioned proposal presented in the four-column table.

Proposal for a Regulation of the European Parliament and of the Council on electronic freight transport information

COM proposal, COM(2018) 0279 final/2										European Parliament/ Plenary report P8_TA- PROV(2019)0139	General approach doc. ST 9181/19	Compromise proposal by the Presidency / remarks
1.	EU Legislation	Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ 052 (16.08.1960, p. 1121–1126)	Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368 (17.12.1992, p. 38–42)	[Proposal COM(2017) 648 final - 2017/0290 (COD) amending Directive 92/106/EEC]	Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72 (14.11.2009, p. 72-87)	[Proposal COM(2017) 0281 final - 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]	Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1 (14.11.2015, p. 1-142)	Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, (30.9.2008, p. 13–59) References to ADR, RID, ADN ¹	Regulation (EC) No 1013/2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1-98)		ANNEX I REGULATORY INFORMATION FALLING UNDER THE SCOPE OF THIS REGULATION PART A - Regulatory information requirements referred to in article 1(2)b List of delegated and implementing acts referred to in article 1(2)b: 1) Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security: Annex 6.3.2.6 (a), (b), (c), (d), (e), (f) and (g).	C
	Information item											
	Name and address of the consignor	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)									
	Nature and weight of the goods	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)									
	Place and date of acceptance of the goods for transport	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)									
	Place at which the goods are to be delivered	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)									
	Route to be taken, or distance to be travelled, if these factors justify a rate	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)									

¹ References to ADR, RID and ADN must be understood within the meaning of Article 2(1), 2(2) and 2(3) of Directive 2008/68/EC. The numbers referred to are those of the respective Annexes to ADR, RID and ADN.

different from that normally applicable		11)											
Frontier crossing points, where appropriate	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11 of 27 June 1960)											
Rail loading and unloading stations		Article 3											
Inland waterway loading and unloading ports		Article 3											
Maritime loading and unloading ports		Article 3											
Stamp affixed by the rail or port authorities in the railway stations or inland waterway or sea ports concerned when that part of the journey carried out by rail or inland waterway or by sea has been completed		Article 3											
[Name, address, contact details and signature of the shipper]			[Article 3.2(a) (replacing article 3 Council Directive 92/106/EEC)]										
[Place and date where combined transport operations begins in the Union]			[Article 3.2(b) (replacing article 3 Council Directive 92/106/EEC)]										
[Name, address and contact details of the consignee]			[Article 3.2(c) (replacing article 3 Council Directive 92/106/EEC)]										
[Place and date where combined transport operations ends]			[Article 3.2(d) (replacing article 3 Council										

in the Union]			Directive 92/106/EEC]											
[Distance as the crow flies between the place where the combined transport operation begins and the place where the combined transport operations ends in the Union]			[Article 3.2(e) (replacing article 3 Council Directive 92/106/EEC)]											
[A description, signed by the shipper, of the combined transport operation routing including at least the following details for each leg, including for each mode of transport which constitutes the non-road leg, of the operation within the Union: (i) leg order (i.e. first leg, non-road leg or final leg); (ii) name, address and contact details of the carrier; (iii) mode of transport and its order in the operation.]			[Article 3.2(f) (replacing article 3 Council Directive 92/106/EEC)]											
[Identification of the intermodal load unit transported]			[Article 3.2(g) (replacing article 3 Council Directive 92/106/EEC)]											
[For the initial road transport leg: (i) the place of transshipment to the non-road leg; (ii) the distance of the initial road transport leg as the crow flies between the place of shipment and the first transshipment terminal;			[Article 3.2(h) (replacing article 3 Council Directive 92/106/EEC)]											

(iii) if the initial road leg is completed, a signature of the carrier confirming that the transport operation of the road leg has been carried out]											
[For the final road transport leg: (i) the place where the goods are taken [over] from the non-road leg (rail, inland waterways or maritime transport); (ii) the distance of the final road transport leg as the crow flies between the place of transhipment and the place where the combined transport operation ends in the Union);]			[Article 3.2(i) (replacing article 3 Council Directive 92/106/EEC)]								
[For the non-road leg: (i) if the non-road leg is completed, a signature of the carrier (or carriers in the case of two or more non-road operations on the non-road leg) confirming that the transport operation on the non-road leg has been carried out; (ii) when available, a signature or seal of the relevant rail or port authorities in the relevant terminals (railway station or port) concerned along the non-road leg operation confirming that the relevant part of the non-road leg has been completed.]			[Article 3.2(j) (replacing article 3 Council Directive 92/106/EEC)]								

Name, address and signature of the sender				Article 8.3(a)	[Article 8.3(a) (no changes proposed)]							
Name, address and signature of the haulier				Article 8.3(b)	[Article 8.3(b) (no changes proposed)]							
The name and address of the consignee as well as his signature and the date of delivery once the goods have been delivered				Article 8.3(c)	[Article 8.3(c) (no changes proposed)]							
The place and date of taking over the goods and the place designated for delivery				Article 8.3(d)	[Article 8.3(d) (no changes proposed)]							
The description in common use of the nature of the goods and the method of packing, and, in the case of dangerous goods, their generally recognised description, as well as the number of packages and their special marks and numbers				Article 8.3(e)	[Article 8.3(e) (no changes proposed)]							
The gross mass of the goods or their quantity otherwise expressed				Article 8.3(f)	[Article 8.3(f) (no changes proposed)]							
The number plates of the motor vehicle and trailer				Article 8.3(g)	[Article 8.3(g) (no changes proposed)]							
Unique alphanumeric identifier of the regulated agent as received from the appropriate authority						Annex 6.3.2.6(a)						
A unique identifier of the consignment, such as the number of the						Annex 6.3.2.6(b)						

(house or master) air waybill													
The content of the consignment (**)								Annex 6.3.2.6(c)					
The security status of the consignment, stating: - 'SPX', meaning secure for passenger, all-cargo and all-mail aircraft, or - 'SCO', meaning secure for all-cargo and all-mail aircraft only, or - 'SHR', meaning secure for passenger, all-cargo and all-mail aircraft in accordance with high risk requirements								Annex 6.3.2.6(d)					
The reason that the security status was issued, stating: - 'KC', meaning received from known consignor, or - 'AC', meaning received from account consignor, or - 'RA', meaning selected by a regulated agent, or - The means or method of screening used, or - The grounds for exempting the consignment from screening								Annex 6.3.2.6(e)					
The name of the person who issued the security status, or an equivalent identification, and the date and time of issue								Annex 6.3.2.6(f)					
The unique identifier received from the appropriate authority, of any regulated agent who has accepted								Annex 6.3.2.6(g)					

the security status given to a consignment by another regulated agent									
General information required in the transport document							5.4.1.1.1		
General information required for carriage in tank vessels							5.4.1.1.2 – ADN only		
Specific information required to be included for certain types of dangerous goods, or certain means of containment, or in case of a transport chain including different modes of transport, according to special provisions in Chapter 5.4 of the respective Annexes to ADR, RID and ADN							5.4.1.1.3 to 5.4.1.1.21 – ADR and RID 5.4.1.1.3 to 5.4.1.1.22 – ADN		
Additional and special information required for certain classess of dangerous goods							5.4.1.2		
Non Dangerous Goods							5.4.1.5		
Container packing certificate							5.4.2		
Instructions in writing							5.4.3		
Information contained in the notification document for shipments of waste that are subject to the procedure of prior written notification and consent pursuant to Article 4 of Regulation (EC) No 1013/2006								Annex IA	

	Information contained in the movement document for shipments of waste that are subject to the procedure of prior written notification and consent pursuant to Article 4 of Regulation (EC) No 1013/2006								Annex IB			
	Information contained in the document accompanying the shipments of waste that are subject to the general information requirements of Article 18 of Regulation (EC) No 1013/2006								Annex VII			
2.											PART B - Member States' law	C
3.											The relevant Member States' national law requiring the provision of information identical, in whole or in part, to the information specified in point a) and b) of Article 1(2) are listed below.	
4.	Member States' law										[Member State]	
5.											1) Legal act: [provision]	
6.	The table below lists the relevant Member States' national legislation dealing with matters governed by Title VI of Part Three of the Treaty and requiring the provision of information identical, in whole or in part, to the information specified in point A of this Annex.											
7.	[Member State]											
8.	Legislation				[Legislation reference]	[Legislation reference]	[...]		[Legislation reference]			

	Information item							
	[Information item as specified in the respective legal act article]	[Article reference]	[Article reference]		[Article reference]			
	[...]	[...]	[...]	[...]	[...]			
	[Information item as specified in the respective legal act article]	[Article reference]	[Article reference]	[...]	[Article reference]			
9.	[Member State]							
10.	Legislation	[Legislation reference]	[Legislation reference]	[...]	[Legislation reference]			
	Information item							
	[Information item as specified in the respective legal act article]	[Article reference]	[Article reference]		[Article reference]			
	[...]	[...]	[...]	[...]	[...]			
	[Information item as specified in the respective legal act article]	[Article reference]	[Article reference]	[...]	[Article reference]			
11.	ANNEX II REQUIREMENTS RELATING TO NOTIFIED BODIES						ANNEX II REQUIREMENTS RELATING TO CONFORMITY ASSESSMENT BODIES	
12.	1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.						Deleted.	
13.	2. A conformity assessment body shall be established under national law of a Member State and have legal personality.						2. A conformity assessment body shall be established under national law of a Member State and have legal personality.	
14.	3. A conformity assessment body shall be a third-party body independent of the organisation or the eFTI platform or platform service provider it assesses.						3. A conformity assessment body shall be a third-party body independent of the organisation or the eFTI platform or platform service provider it assesses.	

15.	A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of eFTI platform or platform service provider which it assesses may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.		A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of eFTI platform or platform service provider which it assesses may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.	
16.	4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the eFTI platform or platform service provider which they assess, nor the representative of any of those parties.		A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the eFTI platform or platform service provider which they assess, nor the representative of any of those parties.	
17.	A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of that eFTI platform or platform service provider, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.		A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of that eFTI platform or platform service provider, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.	
18.	Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.		Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.	
19.	5. Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.		Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.	

20.	6. A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Articles 12 and 13 in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.		A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Articles 12 and 13 in relation to which it has been notified 11 and 12 , whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.	A EP tentatively agrees with Council AM.
21.	At all times and for each certification procedure in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:		At all times and for each certification procedure in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:	A EP tentatively agrees with Council AM.
22.	(a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;		(a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;	
23.	(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities;		(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities;	A EP tentatively agrees with Council AM.
24.	(c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure and the degree of complexity of the technology in question.		(c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure and the degree of complexity of the technology in question.	
25.	A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner.		A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner.	
26.	7. The personnel responsible for carrying out conformity assessment tasks shall have the following:		7. The personnel responsible for carrying out conformity assessment tasks shall have the following:	
27.	(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;		(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;	A EP tentatively agrees with Council AM.
28.	(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;		(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;	

29.	(c) appropriate knowledge and understanding of the requirements set out in Article 9;		(c) appropriate knowledge and understanding of the requirements set out in Article 9;	
30.	(d) the ability to draw up compliance certificates, records and reports demonstrating that assessments have been carried out.		(d) the ability to draw up compliance certificates, records and reports demonstrating that assessments have been carried out.	
31.	8. The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.		8. The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.	
32.	The remuneration of the top level management and personnel responsible for carrying out the conformity assessment tasks of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.		The remuneration of the top level management and personnel responsible for carrying out the conformity assessment tasks of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.	
33.	9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.		9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.	
34.	10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Articles 12 and 13 or any provision of national law giving effect to them, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.		10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Articles 12 11 and 13 12 or any provision of national law giving effect to them, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.	A EP tentatively agrees with Council AM.
35.	11. Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and relevant regulatory activities.		11. Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and relevant regulatory activities.	